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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,034	06/25/2003	LeeLing Tan	STL11059	3955

7590 12/07/2004  
Derek J. Berger, Seagate Technology LLC  
Intellectual Property - COL2LGL  
389 Disc Drive  
Longmont, CO 80503

EXAMINER
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SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,034	<b>Applicant(s)</b> TAN ET AL.	
	<b>Examiner</b> Andrew L. Sniezek	<b>Art Unit</b> 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 6/25/03 is acknowledged.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 13, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanda et al.

Re claim 1: Kanda teaches a disk (11) having a plurality of zones (column 5, lines 51-66), an actuator assembly that positions and retracts heads based on a retraction voltage and a time interval (column 17, lines 30-41), a data table (225) a park position (column 16, lines 54-55) and to use default values to allow actuator to reach park position at a specific velocity (column 17, lines 1-6).

Re claim 2: See figure 2 (typical park position).

Re claim 3: See figure 2.

Re claim 4: voltage described in (column 17, lines 30-40) is not indicated as variable, therefor one reading this reference would conclude that it is constant.

Re claim 5: Column 17, lines 10-12.

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Claim 13: Method claim 13 is drawn to the method of using the corresponding apparatus claimed in claim 1 . Therefore method claim 13 correspond to apparatus claim 1 and are rejected for the same reasons of anticipation (obviousness) as used above."

Re claims 17-19: These claims set forth substantially the same limitations as set forth with respect to claim1 and are deemed satisfied by Kanda for reasons provided. The claimed "means" set forth in claim 17 is considered to by the elements as set forth in claim 1 that allows the actuator to reach the parked position at a velocity within a predetermined range.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 6, 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda et al. in view of Hassan et al.

The specific teaching of Kanda et al. is discussed above and incorporated herein. Claim 6 additionally sets forth a serial port command that is used to provide control on the updating of the table. Although such a serial port command is not taught by Kanda et al. it is well known in the art that command can be set via such a serial port to control various aspects of a retract operation (column 5, lines 62-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature in the arrangement as taught by Kanda et al. to allow for external control of the drive. Claims 7, 14 additionally set forth the use of a brake time interval to halt movement of the actuator which although not taught by Kanda et al. is well known in the art as taught by Hassan et al. (figure 3A) in order to provide an additional control on the actuator movement. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such feature in the teaching of Kanda et al. to provide an even greater control on the actuators movement.

***Allowable Subject Matter***

7. Claims 8-12 are allowed.

8. Claims 15-16 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The claimed disk drive as set forth in claim 8 that includes the use of a brake

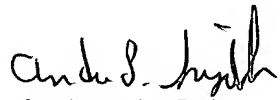
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data table that stores values for brake time interval corresponding to zones to control movement of the actuator as set forth is neither taught by nor an obvious variation of the art of record. Claims 9-12 depend on claim 8. Claims 15 and 20 (written with means language) set forth similar limitations as mention with respect to claim 8 and are directed to allowable subject matter for similar reasons. Claims 16 and 21 depend respectively on claims 15 and 20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
12/7/04